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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,070	08/30/2006	Noriyoshi Tsuyuzaki	OKB-017	5909
20374 7590 06/07/2011 KUBOVCIK & KUBOVCIK SUITE 1105 1215 SOUTH CLARK STREET ARLINGTON, VA 22202				
EXAMINER YANG, JAMES J				
ART UNIT 2612		PAPER NUMBER		
MAIL DATE 06/07/2011		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/591,070

Applicant(s)

TSUYUZAKI, NORIYOSHI

Examiner

JAMES YANG

Art Unit

2612

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 May 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-4, 6, 8-11, 13, 15-19

Claim(s) withdrawn from consideration: _____

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____

/Brian A Zimmerman/
Supervisory Patent Examiner, Art Unit 2612

/JAMES YANG/
Examiner, Art Unit 2612

Continuation of 3. NOTE: The proposed amendments to claims 1, 9, and 18 of a "random pulse voltage" and "a random pulse interval" and "the pulse interval of the random pulses is measured using clock pulses" have not been previously examined and would require further search and consideration.

Continuation of 11. does NOT place the application in condition for allowance because: In response to applicant's arguments on Page 11 and 15-16 regarding the Shi reference, the examiner respectfully disagrees. Applicant argues that the M-sequence generator B is a code generator and not a random pulse generator, but the examiner believes the applicant is reading elements of the specification into the claims. More simply, claim 1 claims authentication data based on a combination of a pulse voltage and a pulse interval of the random pulses generated by the random pulse generator. The term "pulse voltage" is general enough to have two possible interpretations: the first being a voltage used to generate pulses and the second being a voltage with a pulse. In the most general sense of the word pulse, an oscillating voltage, for example a sine wave, generates pulses, i.e. each of the waves is a pulse. Since the random code partially uses a voltage controlled oscillator, the code is generated using a pulse voltage. Next, the random code is also affected by the random frequency of the oscillator, i.e. a pulse interval of the random pulses. Thus, the oscillators form a random pulse generator. Furthermore, in reference to applicant's arguments that none of the paragraphs [0008], [0009], or [0017] refer to a random pulse generator, because the random code generator IC3 calculates its random codes based on random pulses, the random code generator includes the random pulse generator.

Thus, applicant's further arguments and explanations are not persuasive because they rely on interpretations not in the claims. For example, applicant argues that a rectangular waveform is not a pulse (see Page 14). Data or signals do not have to have the waveform shown in the bottom left hand corner of Fig. 6 to be deemed pulses, especially when the claims are silent as to this explicit definition. For clarification in regards to applicant's arguments on Pages 16 and 18 as to the definition of the term "pulse width", the term is taken to indicate the time interval between pulses, i.e. frequency, or in this case oscillations (see Shi, Paragraphs [0016-0017]).